



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 W. JACKSON BLVD
CHICAGO, IL 60604

US EPA RECORDS CENTER REGION 5



429678

02 MAR 2012

MEMORANDUM

SUBJECT: Request for Approval and Funding for a Time-Critical Removal Action at the SK Hand Tool Site, Defiance, Defiance County, Ohio 43512 (Site ID # C574)

FROM: Brian Kelly, OSC
Emergency Response Section 2

THRU: Jason H. El-Zein, Chief
Emergency Response Branch 1

TO: Richard C. Karl, Director
Superfund Division

I. PURPOSE

The purpose of this Action Memorandum is to request and document your approval to expend up to \$397,295 to conduct a time-critical removal action at the abandoned SK Hand Tool Site (Site) located at 135 Hickory Street, Defiance, Ohio 43512. The proposed time-critical removal action will mitigate the threats from 200 drums and small containers, some of which were sampled and found to contain corrosive, reactive, and toxic wastes. The drums and containers will be secured, sampled, and arranged for off-site disposal. There are no nationally significant or precedent setting issues associated with the proposed response at this non-NPL site.

This Action Memorandum serves as approval for expenditures by Environmental Protection Agency (EPA), as the lead technical agency, to take actions described herein to abate the imminent and substantial endangerment posed by hazardous substances at the Site. The proposed removal of hazardous substances would be taken pursuant to Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC 9604(a)(1), and Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR 300.415.

II. SITE CONDITIONS AND BACKGROUND

Name: SK Hand Tool Site
Superfund Site ID (SSID): C574
CERCLIS Number: OHN000510633

Site Location: 135 Hickory Street, Defiance, Ohio 43512
Lat/Long: 41.280, -84.339
Potentially Responsible Party (PRP): Bankrupt
NPL Status: Non NPL
Project Schedule: 30 working days
Category: CERCLA Time-Critical

A. Site Description

1. Removal site evaluation

The Site is located at 135 Hickory Street, Defiance, Ohio, 43512. The current owner is the Bankruptcy Trustee for SK Hand Tool (S&K).

SK Hand Tool conducted manufacturing operations involving metal plating and polishing until July 2010 when it ceased operations. On August 23, 2010, S&K declared bankruptcy. Ohio Environmental Protection Agency (OEPA) served S&K a "Cessation of Regulated Operations (CRO)" order which expired on April 15, 2011. The order required S&K to remove and dispose of hazardous waste. S&K failed to comply and containers of waste remained at the Site.

On November 30, 2011, EPA conducted a Site assessment. During the assessment, EPA collected samples that showed drums SK-DRUM-001 and SK-DRUM-002 contained liquids with a pH of 2 standard units (SU), which according to regulations at 40 CFR 261.22, makes the waste hazardous for characteristics of corrosivity. Drum SK-DRUM-004 was found to contain cyanide, which according to regulations at 40 CFR 261.23, makes the waste hazardous for characteristics of reactivity. EPA also documented labeled hazardous waste marked with waste codes F006 and D007, which indicated the drums contain wastewater treatment sludges from electroplating per 40 CFR 261.31 (F006) and exceed the maximum concentration of contaminants for the toxicity characteristic for chromium per 40 CFR 261.24 (F007).

2. Physical location

The Site is located at 135 Hickory Street, Defiance, Defiance County, Ohio, 43512. The Site is developed as commercial and is located in an area characterized by commercial and residential properties. The Site consisted of a building surrounded by open area and a parking lot to the west. The 160,533 square foot building is bordered by Hopkins Street to the north, Buckeye Street to the east, railroad track and industrial property to the south, and Hickory Street to the west. The main area inside consists of a plating line with a dock and shipping area to the north and a vibrate room and coin-pierce room to the south. The property is heavily vandalized, in general disrepair, open to the weather, and accessible to the public.

Located within 1-mile of the Site are three schools: Brickell Elementary School, Defiance Seventh Day Adventist Church School, and Good Samaritan School.

The area surrounding the Site was screened for Environmental Justice (EJ) concerns using Region 5's EJ Assist Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Census tracts with a score of 1, 2, or 3 are considered to be high-priority potential EJ areas of concern. This Site is in a census tract with a score of 7. Therefore, Region 5 does not consider this Site to be a high-priority potential EJ area of concern. Please refer to the attached analysis for additional information (Attachment 2).

3. Site Characteristics

The wastes are unsecured, exposed to the elements, and can be accessed by anyone entering the Site. Many of the drums are open. The OEPA has requested EPA's assistance in addressing environmental hazards at the Site.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

On November 30, 2011, EPA conducted a Site assessment and found corrosive (40 CFR 261.22), reactive (40 CFR 261.23), listed (40 CFR 261.31), and toxic (40 CFR 261.24) wastes at the Site. The Site is abandoned, open to the elements, and accessible to vandals, trespassers, and scarpers.

5. NPL status

The site is not on the NPL.

6. Maps, pictures and other graphic representations

Attachments 4 and 5 show the location of the Site and the location of the wastes.

B. Other Actions to Date

1. Previous actions

There have been no previous response actions at the Site.

2. Current actions

No current actions are being taken at the Site. The Site is abandoned.

C. State and Local Authorities' Roles

1. State and local actions to date

On August 15, 2011, OEPA requested EPA assistance in assessing the Site and removing the hazards. OEPA had issued S&K a CRO Order, but they failed to comply.

2. Potential for continued State/local response

Given the exigency of the situation, neither the State nor Local governments have the funds to conduct a removal action.

III. THREATS TO PUBLIC HEALTH OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Existing conditions at the Site present a substantial threat to the public health or welfare, and the environment, and meet the criteria for a time-critical removal action as provided for in the National Contingency Plan (NCP), 40 CFR 300.415(b)(2). These criteria include, but are not limited to, the following:

Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants.

The Site is vacant and abandoned. The 55-gallon drums and small containers of corrosive (40 CFR 261.22), reactive (40 CFR 261.23), listed (40 CFR 261.31), and toxic (40 CFR 261.24) wastes are open to the elements, trespassers, and vandals. Residential homes are located directly north of the Site. Three schools are located within 1 mile. During EPA's Site assessment, evidence of vandalism and metal scraping were documented.

Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release.

The Site is vacant and abandoned. The 55-gallon drums and small containers of corrosive (40 CFR 261.22), reactive (40 CFR 261.23), listed (40 CFR 261.31), and toxic (40 CFR 261.24) wastes are open and unsecured; trespassers, animals, or weather conditions could cause further release from the drums.

Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.

Continued exposure of the open and unsecured drums to wind, rain, snow, and ice may cause the drums to further lose integrity and release their contents.

The availability of other appropriate Federal or state response mechanisms to respond to the release.

No other Federal or state response mechanism is available to respond in a timely manner given the exigencies of the situation.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the known and suspected hazardous substances on Site, and the potential exposure pathways described in Sections II and III above, actual or

threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The response actions described in this memorandum directly address actual or potential releases of hazardous substances on Site, which may pose an imminent and substantial endangerment to public health, or welfare, or the environment. Removal activities on Site will include:

- a) Develop and implement a Site Health and Safety Plan;
- b) Develop and implement a Work Plan; and
- c) Secure, characterize, remove, and properly dispose of the drums, containerized wastes, spilled waste materials, associated contaminated soil, and hazardous debris located at the site in accordance with EPA's Off-Site Rule (40 CFR 300.440).

All hazardous substances, pollutants, or contaminants removed off Site pursuant to this removal action for treatment, storage, and disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule, 40 C.F.R. § 300.440.

The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for provisions of post-removal Site control consistent with the provisions of 40 C.F.R. 300.415(l). Elimination of all threats presented hazardous substances in the buildings is, however, expected to eliminate the need for post-removal Site controls.

2. Contribution to remedial performance:

The proposed action will not impede future actions based on available information.

3. Engineering Evaluation/Cost Analysis (EE/CA)

Not Applicable

4. Applicable or relevant and appropriate requirements (ARARs)

All applicable, relevant, and appropriate requirements (ARARs) of Federal and State law will be complied with to the extent practicable considering the exigencies of the circumstances. On January 18, 2012, a letter was sent to Ed Pulido of OEPA requesting applicable State of Ohio ARARs.

Federal

Federal ARARs for this Site primarily include 40 CFR 300.415(b)(2), which will address removal work at the Site; 40 CFR Part 260, which will address disposal of waste and 40 CFR 300.440, which will address off Site shipment of waste.

5. Project Schedule

The project will require approximately 30 working days to complete.

The detailed cleanup contractor cost is presented in Attachment 6 and the Independent Government Cost Estimate is presented in Attachment 3; estimated costs are summarized below:

B. Estimated Costs

REMOVAL ACTION PROJECT CEILING ESTIMATE	
<u>Extramural Costs:</u>	
<u>Regional Removal Allowance Costs:</u>	
Cleanup Contractor Costs(Includes a 15 % contingency)	\$ 268,295
<u>Other Extramural Costs Not Funded from the Regional Allowance:</u>	
Total START	\$ 62,784
Subtotal	\$ 331,079
Costs Contingency (20% of Subtotal)	\$ 66,216
TOTAL REMOVAL ACTION PROJECT CEILING	\$ 397,295

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the Site conditions, the nature of the hazardous substances and pollutants or contaminants documented on Site, and the potential exposure pathways to nearby populations described in Sections II, III and IV above, actual or threatened release of hazardous substances and pollutants or contaminants from the Site, failing to take or delaying action may present an imminent and substantial endangerment to public health, welfare or the environment by increasing the potential that hazardous substances will be released, thereby threatening the adjacent population and the environment.

VII. OUTSTANDING POLICY ISSUES

None

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$662,913 ¹

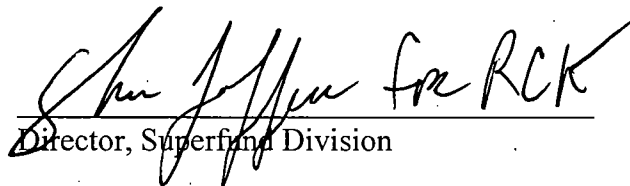
Direct Costs	+	Indirect Costs	=	Estimated EPA Costs
(\$397,295 + \$10,000)		(407,295 x 62.76%)		
\$ 407,295		\$ 255,618		\$662,913

IX. RECOMMENDATION

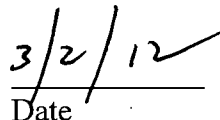
This decision document represents the selected removal action for the SK Hand Tool Site, Defiance, Defiance County, Ohio developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the site (Attachment 1). Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal, and I recommend your approval of the removal action proposed in this Action Memorandum.

The total project ceiling if approved will be \$397,295, of which an estimated \$334,511 may be used for cleanup contractor costs. You may indicate your approval by signing below.

Approve:



Director, Superfund Division



Date

Disapprove:

Director, Superfund Division

Date

¹ Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

Enforcement Addendum

- Attachments
1. Administrative Record Index
 2. Region 5 EJ Analysis
 3. Independent Government Cost Estimate
 4. Site Location Map
 5. Site Layout Map
 6. Detailed Cleanup Contractor Costs

cc: cc: S. Fielding, U.S. EPA 5202G
(fielding.sherry@epa.gov)
D. Valencia, U.S. Department of Interior, **w/o Enf. Attachment**
(darby_valencia@ios.doi.gov)
Scott Nally, Director, OEPA, **w/o Enf. Addendum**
(Scott.Nally@epa.state.oh.us)
Mike Dewine, Ohio Attorney General, **w/o Enf. Addendum**
(Mike.DeWine@ohioattorneygeneral.gov)
E. Pulido, Ohio EPA, **w/o Enf. Addendum**
(Ed.Pulido@epa.state.oh.us)

ENFORCEMENT CONFIDENTIAL ADDENDUM

**SK HAND TOOL SITE
DEFIANCE, OHIO
MARCH 2012**

(REDACTED 3 PAGES)

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY**

ATTACHMENT 1

U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

ADMINISTRATIVE RECORD FOR SK HAND TOOL SITE DEFIANCE, DEFIANCE COUNTY, OHIO

ORIGINAL
FEBRUARY 2012

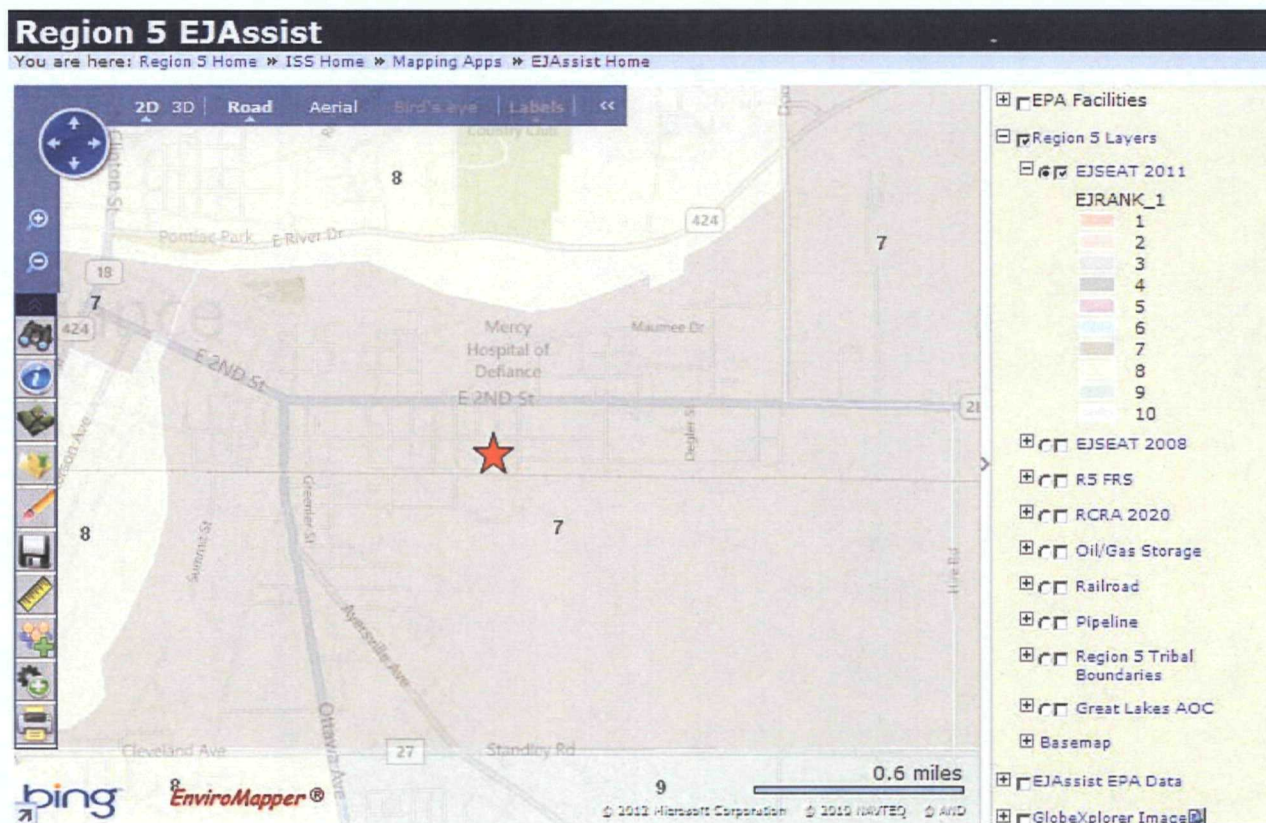
<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	02/09/11	Pulido, E., OH EPA	Site File	Site Photographs re: S&K Hand Tools Site	9
2	08/15/11	McCoy, B., OH EPA	Durno, M., U.S. EPA	Letter re: OH EPA Request for U.S. EPA Assistance in Conducting an Assessment and Potential Time Critical Removal Action at the S&K Hand Tools Site	
3	01/18/12	Kelly, B., U.S. EPA	Pulido, E., OH EPA	Letter re: Request for OH EPA to Identify any ARARs for the Proposed Removal Action at the S&K Hand Tools Site	1
4	01/23/12	OTIE	U.S. EPA	Site Assessment Report for The S&K Hand Tools Site w/Cover Letter	
5	00/00/00	Kelly, B., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: SK Hand Tool Site (PENDING)	

ATTACHMENT 2

EJ ANALYSIS FOR SK HAND TOOL SITE DEFIANCE, OHIO MARCH 2012

The area surrounding the Site was screened for Environmental Justice (EJ) concerns using Region 5's EJ Assist Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Census tracts with a score of 1, 2, or 3 are considered to be high-priority potential EJ areas of concern. This Site is in a census tract with a score of 7. Therefore, Region 5 does not consider this Site to be a high-priority potential EJ area of concern. Please refer to the attached analysis for additional information.

Map Showing EJ SEAT Values For Surrounding Area



ATTACHMENT 3

INDEPENDENT GOVERNMENT COST ESTIMATE

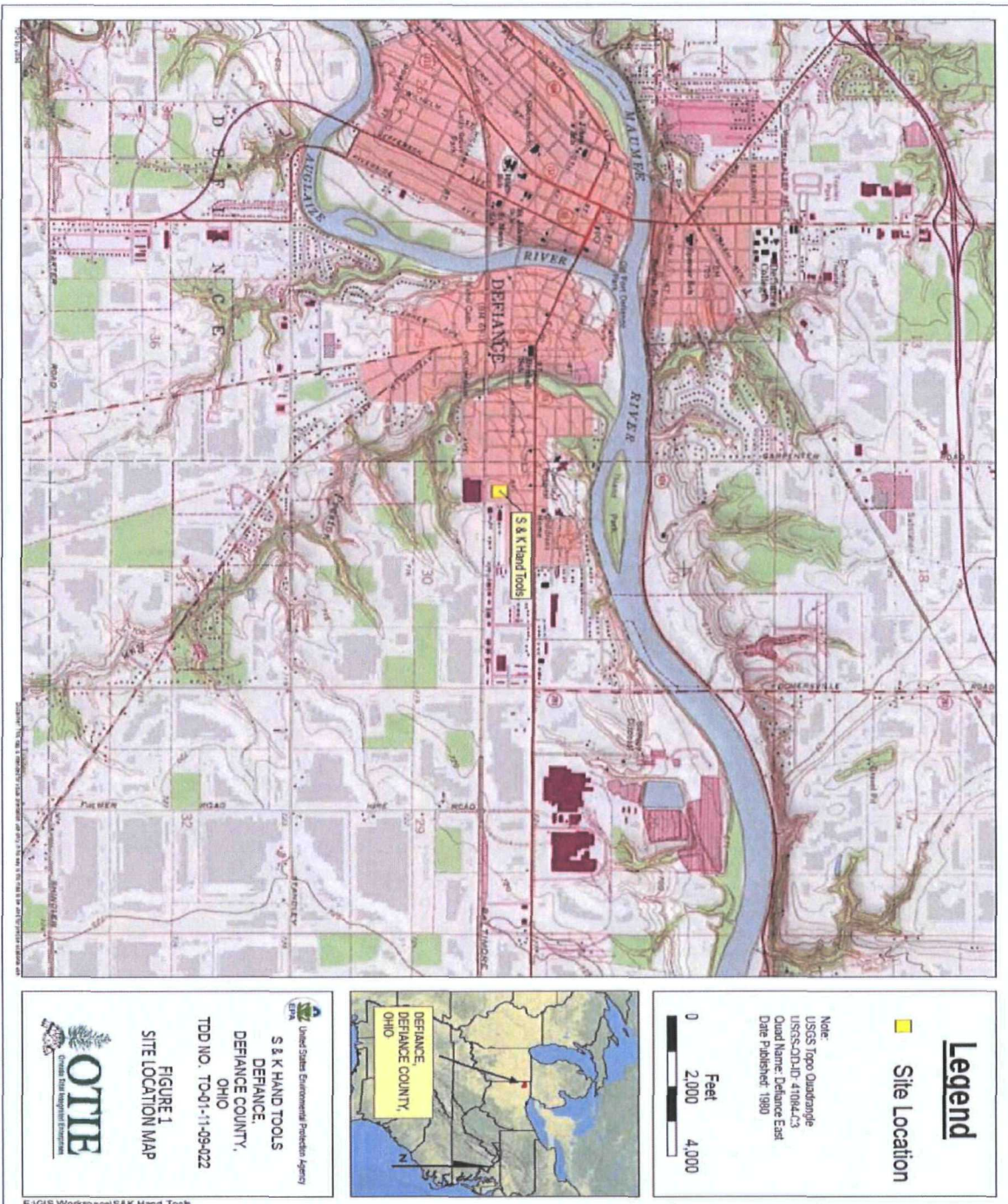
**SK HAND TOOL SITE
DEFIANCE, OHIO**

(REDACTED 2 PAGES)

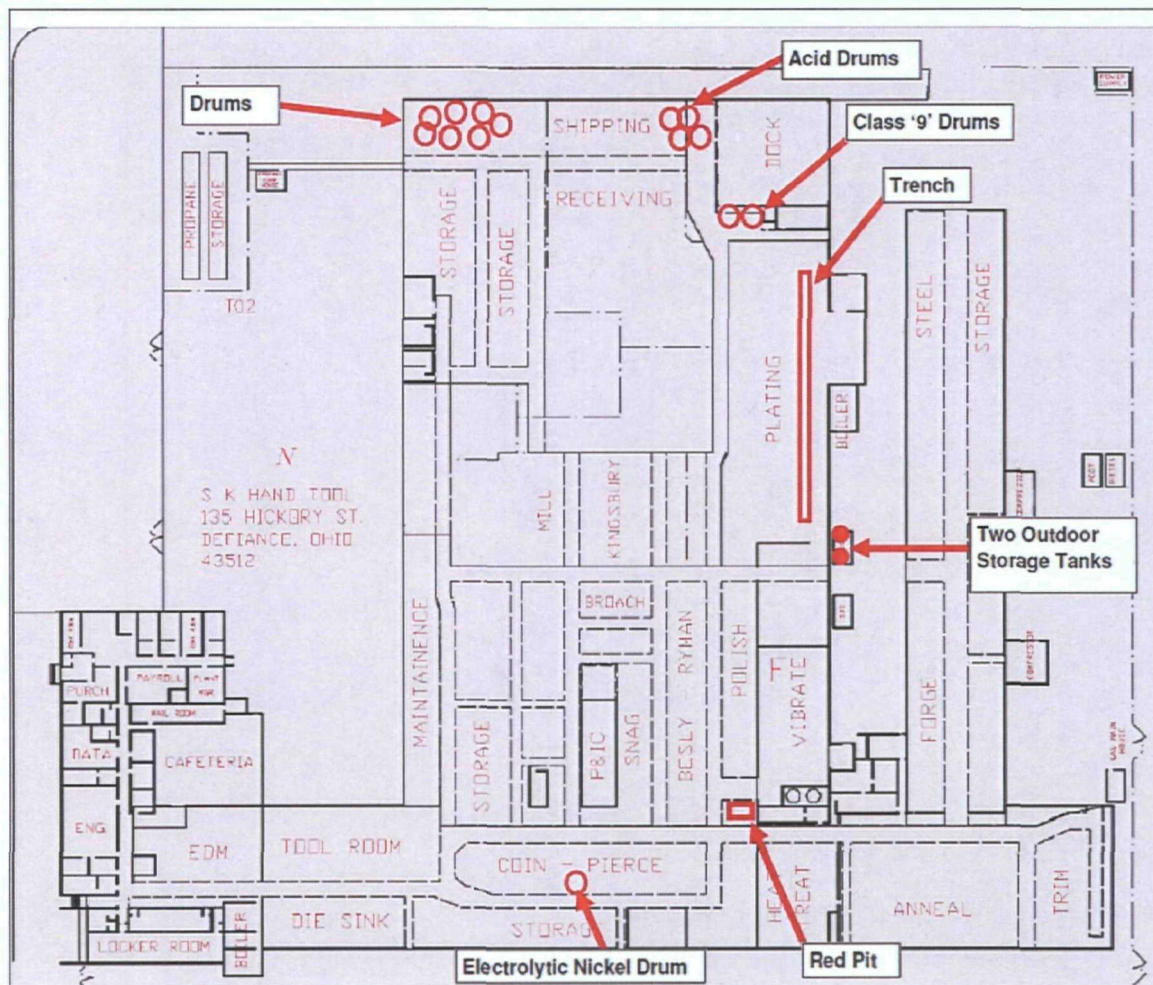
NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

ATTACHMENT 4 SITE LOCATION MAP

SK HAND TOOL SITE
DEFIANCE, OHIO
MARCH 2012



**SK HAND TOOL SITE
DEFIANCE, OHIO
MARCH 2012**



**ATTACHMENT 6
DETAILED CLEANUP CONTRACTOR ESTIMATE
SK HAND TOOL SITE
DEFIANCE, OHIO
MARCH 2012**

Personnel & Equipment	\$ 149,750
Materials & Misc	\$ 19,550
Transportation and Disposal	\$ 64,000
TOTAL	\$ 233,300